REMARKS

Claims 1 – 27 are pending in the application and stand rejected. Claims 1, 5, 6, 10 and 14 have been amended by this response to further clarify the invention. Applicants respectfully request reconsideration of the pending claims.

The Examiner rejected claims 1 – 9, 14 – 21, 24 – 25, and 27 under 35 USC § 103(a) as being unpatentable over *Nelson* (U.S. 6,496,568) in view of *Becker, et al.* (U.S. 6,591,263). This rejection is respectfully traversed. Applicants incorporate by reference their arguments presented in the amendments filed on August 8, 2005 and February 7, 2006.

The Examiner must satisfy three criteria in order to establish a prima facie case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge of one of ordinary skill in the art, to modify the references or combine their teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference or combination of references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. MPEP § 706.02(j), citing *In re Vaeck*, 20 USPQ 2d 1438 (Fed. Cir. 1991).

The preambles of claims 1 and 6 have been amended to clarify that the computer program is operated on the host computer "to automatically notify passengers or agents of changes in status for airline flights." Claims 1, 6 and 14 have been amended to add the limitation that passenger reservation information is received from passengers or agents, the passenger reservation information including a request for automatic flight status change notification

information for an airline flight the passenger is reserving. Support for this amendment is found on page 6, lines 8 – 17 of the specification. Neither *Nelson* nor *Becker* teaches receiving passenger reservation information from an airline passenger or an agent of the passenger, wherein the passenger reservation information includes a request for automatic flight status change notification information for an airline flight the passenger is reserving, and then automatically pushing flight status change notification information to the passenger or agent if the updated time of departure or arrival varies from the scheduled time of arrival or departure by a predetermined amount, as recited in claims 1, 6 and 14, as amended.

More specifically, *Nelson* teaches a customer message manager (CMM) that interfaces with airline databases through periodic polling. When new events are identified which require customer (subscriber) notification, the set of customer devices requiring notification is determined. As long as there are customer devices remaining to be notified, the customer devices with the highest customer grouping criteria (frequent flyers, highest ticket prices) are notified first. Then, a predetermined amount of time is allowed to elapse which allows the customers in the highest customer grouping to receive the notification and take any desired action. The remaining customer devices are then notified. When all customer devices have been notified as determined, there is another delay of a predetermined amount of time before processing returns to poll airline databases (col. 5, l. 63 – col. 6, l. 9). Thus, *Nelson* teaches a notification system in which notification is based on a subscriber level of priority that is established by the CMM. Even if a subscriber has signed up for automatic notification with the customer message manager, it is still up to the customer message manager to decide when to

notify the subscriber. This is a teaching of pushing notification information to a requesting subscriber conditionally. *Nelson* fails to teach or suggest receiving passenger reservation information from an airline passenger or an agent of the passenger, wherein the passenger reservation information includes a request for automatic flight status change notification information for an airline flight the passenger is reserving, and then automatically pushing flight status change notification information to the passenger or agent if the updated time of departure or arrival varies from the scheduled time of arrival or departure by a predetermined amount.

Becker, et al. teaches a multi-modal traveler information system which attempts to combine a plurality of different travel modes and personalized travel conditions into a single system for dissemination of information to registered customers. *Becker, et al.* teaches that data elements are collected/captured for a *customer's personal profile for uniquely identifying the traveler, his personal travel routes, and preferred notification criteria and communication devices for information delivery.* Each route defined within the profile contains a description, origin, multi-modal path and destination. Customers may register particular routes for automatic notification of events such as weather or traffic conditions along a route. The notification criteria includes the preferred delivery device and the day, week, and time that travel on the route is anticipated (col. 5, ll. 45 – 55). *Becker, et al.* further teaches that generalized travel condition information is filtered by the system 100 according to the information provided in the *pre-stored customer profiles*. In the first stage of the filtering process, the location of the travel condition is compared with the routes in the customer profiles to determine which customers may be affected. For affected customers that register for automatic notification, the *filtration process*

compares the customer's notification time window and the expected duration of the travel condition. If the customer's designated notification time window falls sometime during the expected duration of the event, a determination is then made as to when to notify the customer about the travel condition (col. 5, l. 56 – col. 6, l. 4). Thus, in order to make use of *Becker's* system, a passenger would first have to make flight reservations through a flight reservation system and then, subsequently, register his personal profile information along with particular routes for his travel itinerary in order to be notified automatically. Even if a traveler has signed up for automatic notification, it is still up to the traveler information system to decide if and when to notify the traveler (col. 5, l. 63 – col. 6, l. 4). More specifically, *Becker, et al.* teaches that it is preferred to avoid automatic notification of planned events (col. 13, ll. 7 – 15). Thus, the system taught by *Becker, et al.* would only provide automatic notification to travelers for unplanned events which would seem to be only those events that the traveler could not become aware of through other means (col. 13, ll. 7 – 15). Therefore, *Becker, et al.* fails to teach or suggest receiving passenger reservation information from an airline passenger or an agent of the passenger, wherein the passenger reservation information includes a request for automatic flight status change notification information for an airline flight the passenger is reserving, and then automatically pushing flight status change notification information to the passenger or agent if the updated time of departure or arrival varies from the scheduled time of arrival or departure by a predetermined amount.

Furthermore, with respect to claim 6, neither *Nelson* or *Becker, et al.* teaches the feature of "receiving and storing in a database scheduled times of departure or arrival for substantially

all U.S. airline flights departing or arriving within a certain time." The customer CMM taught by *Nelson* relies on airline databases to access flight information and does not independently store flight data in a database. *Becker, et al.* relies on public databases to retrieve information and does not independently store flight data. Therefore, claim 6 is patentable over the combination of *Nelson* and *Becker, et al.* for this additional reason.

Furthermore, neither *Nelson* nor *Becker, et al.* teaches the feature of "flagging records in the database corresponding to flights in which the updated times of departure or arrival vary from the scheduled times or departure or arrival by a predetermined amount of time," and "periodically querying the database to locate all flagged records" and notifying passengers on the flagged flights. *Nelson* and *Becker, et al.* fail to teach or suggest any record flagging since both references rely on third party or public databases to determine when notification is required. The polling described by *Nelson* is merely connecting to the airline databases to receive "events" such as delayed flights. *Nelson* does not teach or suggest any means for the airline databases to specifically determine delay or provide events as the airline databases are external to the customer CMM and not relevant to a specific operation. Therefore, claim 6 is patentable over the combination of *Nelson* and *Becker, et al.* for this additional reason.

In view of the foregoing remarks, the combination of *Nelson* and *Becker, et al* does not teach or suggest all the claim limitations recited in claims 1, 6 and 14. Even if the combination did teach all the limitations of claims 1, 6 and 14, there is no motivation to combine the two references. *Nelson's* system is a subscriber system that interfaces with airline reservation systems through polling. *Becker's* system is a daily or weekly traveler information system that provides

information on weather, traffic or construction conditions to a registered subscriber along a specified route of travel within a specified time window. In contrast, the present invention integrates directly into an airline reservation system and expands the passenger name record which is common to airline reservation systems to include a capability for automatic notification when the status of a flight reservation changes. There is no subscription or registration with a third party that is required in order to receive automatic notification of flight status changes. Therefore, claims 1, 6, and 14 are patentable over the combination of *Nelson* and *Becker, et al.*

Claims 2 – 5, 19, and 24 depend directly from claim 1 and are allowable for at least the same reasons that claim 1 is allowable. Claims 7 – 9, 20 – 21, and 25 depend directly from claim 6 and are allowable for at least the same reasons that claim 6 is allowable. Claims 15 – 17 and 27 depend directly from claim 14 and are allowable for at least the same reasons that claim 14 is allowable.

The Examiner rejected claims 10 – 13, 22 – 23 and 26 under 35 USC § 103(a) as being unpatentable over *Becker* in view of *Nelson*. This rejection is respectfully traversed. Applicants incorporate by reference their arguments presented in the amendments filed on August 8, 2005 and February 7, 2006.

The preamble of claim 10 has been amended to clarify that the computer program is operated on the host computer "to automatically notify passengers or agents of changes in status for airline flights." Claim 10 also has been amended to add the limitation that the host computer receives passenger reservation information including a request for automatic flight status change notification information for an airline flight the passenger is reserving and flight status change

information is automatically pushed to the passenger or agent if the updated time of departure or arrival varies from the scheduled time of departure or arrival by a predetermined amount. Neither of these steps are taught or suggested by *Becker, et al.*

Applicants incorporate by reference the arguments presented above regarding the teachings of *Becker, et al.* Although the rejection was stated as being based on a combination of *Becker, et al.* and *Nelson*, the Examiner did not apply any teaching of *Nelson* to these claims. *Becker, et al.* teaches a personalized traveler information system that requires a traveler to register his profile with the system. Apart from the insertion of the word "air" as part of a generalized litany of travel modes in a few places in the specification of *Becker, et al.*, there is no teaching of integrating the traveler information system of *Becker, et al.* with airline distribution systems (i.e., airline reservation systems).

The Examiner admitted that *Becker, et al.* does not disclose queuing the passenger information in a date-ranged queue using the time of departure or arrival. The Examiner took Official Notice "that putting information in a queue is old and well-known in the art since queuing is simply listing items to be done, for example, a print queue printer prints the items in the order that they are requested." Queuing is old in the art, but Applicants traverse taking Official Notice that date-ranged queuing is known in the art. In date-ranged queuing, a host computer queues the passenger name records using the scheduled date and time of departure or arrival of the flight as the queuing mechanism (p. 6, ll. 15 – 17). There is no teaching or suggestion in *Becker, et al.* of queuing passenger reservation information to a date-ranged queue.

Therefore, claim 10 is patentable over the combination of *Becker, et al.* and *Nelson* since

the combination of references does not teach or suggest all the claim limitations. Since claims 11 – 13, 22 – 23, and 26 depend directly from claim 10, they are allowable for at least the same reasons that claim 10 is allowable.

In view of the above, it is submitted that the pending claims are in condition for allowance. Such action at an early date is solicited. It is also requested that the Examiner contact applicant's attorney at the telephone number listed below should this response not be deemed to place this application in condition for allowance.

Respectfully submitted,

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Date

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